

AMENDED IN ASSEMBLY APRIL 28, 1998

AMENDED IN ASSEMBLY APRIL 14, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1915

Introduced by Assembly Member Honda
(Coauthors: Assembly Members Aroner, Baca, Hertzberg,
Lempert, Martinez, Migden, Perata, and Washington)
(Coauthors: Senators Lee, Lockyer, Polanco, Solis,
Vasconcellos, and Watson)

February 17, 1998

An act to add Chapter 18 (commencing with Section 11700) to Part 7 of the Education Code, relating to the California Civil Liberties Public Education Board, making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1915, as amended, Honda. WWII internment of Japanese Americans: California Civil Liberties Public Education Board.

Existing law declares legislative intent to provide accurate instructional materials to schools on the internment in the United States of persons of Japanese origin and its impact on Japanese-American citizens and the Armenian genocide. Existing law provides legislative findings and declarations that there are few films or videotapes available on the subject for teachers to use when teaching pupils about these 2 devastating events, and that films or videotapes giving the

historically accurate depiction of these events should be made in order that pupils will recognize these events for the horror they represented. Existing law encourages teachers to use these films or videotapes as a resource in teaching pupils about these 2 important historical events that are commonly overlooked in today's school curriculum.

This bill would establish the California Civil Liberties Public Education Board (hereafter the board), and would provide for appointment of board members.

This bill would require the State Department of Education to contract with the board to provide partial funding for the purposes of this bill, would authorize the board to hire staff, and would require the board to establish a program for the provision of public education grants for the purpose of educating, and developing educational materials, about the exclusion, forced removal, and internment of Japanese-Americans and permanent-resident aliens of Japanese ancestry during WWII, and would annually appropriate \$5,000,000 to the State Department of Education for this purpose.

This bill would declare that funds appropriated pursuant to this bill shall be applied in the year received toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 18 (commencing with Section
2 11700) is added to Part 7 of the Education Code, to read:

3

4 CHAPTER 18. THE CALIFORNIA CIVIL LIBERTIES PUBLIC
5 EDUCATION BOARD

6

7 Article 1. General

8

9 11700. (a) The California Civil Liberties Public
10 Education Board is hereby established. The purpose of

1 the board is to sponsor public educational activities and
2 development of educational materials to ensure that the
3 events surrounding the exclusion, forced removal, and
4 internment of civilians and permanent resident aliens of
5 Japanese ancestry will be remembered, and so that the
6 causes and circumstance of this and similar events may be
7 illuminated and understood.

8 (b) The Legislature finds and declares that the federal
9 Commission on Wartime Relocation and Internment of
10 Civilians (CWRIC) was established by Congress in 1980
11 to “review the facts and circumstances surrounding
12 Executive Order 9066, issued in February 19, 1942, and
13 the impact of such Executive Order on American citizens
14 and permanent residents... and to recommend
15 appropriate remedies.” The CWRIC issued a report of its
16 findings in 1983 with the reports “Personal Justice
17 Denied” and “Personal Justice Denied-Part II,
18 Recommendations.” The reports were based on
19 information gathered “through 20 days of hearings in
20 cities across the country, particularly the West Coast,
21 hearing testimony from more than 750 witnesses:
22 evacuees, former government officials, public figures,
23 interested citizens, and historians and other professionals
24 who have studied the subjects of Commission inquiry.”

25 (c) The lessons to be learned from the internment of
26 Japanese Americans during World War II are embodied
27 in “Personal Justice Denied-Part II, Recommendations.”
28 The CWRIC concluded as follows: “In sum, Executive
29 Order 9066 was not justified by military necessity, and the
30 decisions that followed from it-exclusion, detention, the
31 ending of detention and the ending of exclusion-were not
32 founded upon military considerations. The broad
33 historical causes that shaped these decisions were race
34 prejudice, war hysteria, and a failure of political
35 leadership. Widespread ignorance about Americans of
36 Japanese descent contributed to a policy conceived in
37 haste and executed in an atmosphere of fear and anger at
38 Japan. A grave personal injustice was done to the
39 American citizens and resident aliens of Japanese
40 ancestry who, without individual review or any probative

1 evidence against them were excluded, removed and
2 detained by the United States during World War II.”

3 (d) The Legislature further finds and declares that
4 President Ronald Reagan signed into law the federal Civil
5 Liberties Act of 1988 and declared during the signing
6 ceremony that “This is a great day for America.” In that
7 act the Congress declared as follows:

8 “The Congress recognizes that, as described in the
9 Commission on Wartime Relocation and Internment of
10 Civilians, a grave injustice was done to both citizens and
11 permanent residents of Japanese ancestry by the
12 evacuation, relocation, and internment of civilians during
13 World War II. As the Commission documents, these
14 actions were carried out without adequate security
15 reasons and without any acts of espionage or sabotage
16 documented by the Commission, and were motivated
17 largely by racial prejudice, wartime hysteria, and a failure
18 of political leadership. The excluded individuals of
19 Japanese ancestry suffered enormous damages, both
20 material and intangible, and there were incalculable losses
21 in education and job training, all of which resulted in
22 significant human suffering for which appropriate
23 compensation has not been made. For these fundamental
24 violations of the basic civil liberties and constitutional
25 rights of these individuals of Japanese ancestry, the
26 Congress apologizes on behalf of the Nation.”

27 11705. (a) The Public Education Board shall be
28 composed of five members appointed as follows:

29 (1) Three members appointed by the Governor.

30 (2) One member appointed by the Speaker of the
31 Assembly.

32 (3) One member appointed by the Senate Committee
33 on Rules.

34 (b) All members shall serve four-year terms except for
35 the first members who shall serve terms as follows:

36 (1) The first three members appointed by the
37 Governor shall serve as follows:

38 (A) One member shall serve until December 31, 2001.

39 (B) One member shall serve until December 31, 2002.

40 (C) One member shall serve until December 31, 2003.

1 (2) The first member appointed by the Speaker of the
2 Assembly shall serve until December 31, 2001.

3 (3) The first member appointed by the Senate
4 Committee on Rules shall serve until December 31, 2002.

5 (c) Any member appointed to fill a vacancy occurring
6 before the expiration of the term for which the member's
7 predecessor was appointed shall be appointed only for the
8 remainder of that term. A member may serve after the
9 expiration of the member's term until the member's
10 successor has taken office.

11 11710. (a) Members of the board shall serve without
12 pay, except that members of the board shall be entitled
13 to reimbursement for travel, subsistence, and other
14 necessary expenses incurred by them in carrying out the
15 functions of the board.

16 (b) Three members of the board shall constitute a
17 quorum but a lesser number may hold hearings.

18 (c) The chair and vice chair of the board shall be
19 elected by the members of the board.

20 (d) This chapter shall not affect each board member
21 being subject to all applicable conflict of interest laws.

22 (e) Not later than 12 months after the first meeting of
23 the board and every 12 months thereafter, the board shall
24 transmit to the Governor, the Speaker of the Assembly,
25 and the Senate Committee on Rules a report describing
26 the activities of the board.

27
28 Article 2. K-12 Schools and Community College Grant
29 Program
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31 11715. (a) The State Department of Education shall
32 contract with the board to provide part of the funding for
33 the board to fulfill its mission through the establishment
34 of a K-12 Schools and Community College Grant
35 Program. The grants awarded under the program shall be
36 awarded on a competitive basis. The board shall seek,
37 private funding, in-kind contributions, or other sources to
38 supplement its state funding. For purposes of this
39 chapter, "K-12" means public schools maintaining
40 kindergarten or any of grades 1 to 12, inclusive.

1 (b) The board may contract with independent review
2 panelists to evaluate and make recommendations to the
3 board on the grant program.

4 (c) In distributing funds, the board shall employ
5 standards consistent with the following criteria:

6 (1) Projects shall be specifically designed for use in the
7 public school classrooms for K-12 and community
8 colleges, and be consistent with the stated intent and
9 purposes of this chapter.

10 (2) Applicants shall have, and shall demonstrate the
11 capability to, administer and complete the proposed
12 project within specified deadlines and within the
13 specified budget, and to comply with the State
14 Department of Education and board policies and other
15 applicable state requirements.

16 (3) Applicants shall have the experience, knowledge,
17 and qualifications to conduct quality educational
18 activities regarding the exclusion and detention of
19 Japanese-Americans during World War II.

20 (4) Projects shall link the Japanese-American
21 exclusion and detention experience with the experiences
22 of other populations so that the cause and circumstances
23 of this and similar violations of civil rights or acts of
24 injustice may be illuminated and understood.

25 (5) Projects shall be designed to maximize the
26 long-term educational impact of this chapter.

27 (6) Projects shall build upon, contribute to, and
28 expand upon, the existing body of K-12 and community
29 college educational materials on the exclusion and
30 detention of Japanese-Americans during World War II.

31 (7) Projects shall include the variety of experiences
32 regarding the exclusion and detention of
33 Japanese-Americans and its impact before, during, and
34 after, World War II, including those Japanese Americans
35 who served in the military.

36 (8) Applicants shall be encouraged to involve former
37 detainees, those excluded from the military area, and
38 their descendants in the development and
39 implementation of projects.

(9) Applicants shall be encouraged to develop a strategy and plan for raising the level of awareness and understanding among the K-12 pupils and community college students regarding the exclusion and detention of Japanese-Americans during World War II so that the causes and circumstances of this and similar events may be illuminated and understood.

(10) Applicants shall be encouraged to develop a strategy and plan for reaching the broad, multicultural population of K-12 pupils and community college students through project activities.

(11) Applicants shall be encouraged to develop local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts.

(12) Applicants shall be encouraged to coordinate and collaborate with organizations and individuals engaging in similar educational, research, and development endeavors to maximize the effect of grants.

(13) Applicants shall be encouraged to utilize creative and innovative methods and approaches in the research, development, and implementation of their projects.

(14) Applicants shall be encouraged to seek matching funds, in-kind contributions, or other sources of support to supplement their proposal.

(d) The board may adopt other criteria as it deems appropriate for board review of grant proposals. In reviewing projects for funding, scoring shall be based on an evaluation of all application materials: narratives, attachments, support letters, supplementary materials, and other materials that may be requested of applicants.

11720. (a) In the review process, the board shall assign the following order of priority to the criteria set forth in subdivision (c) of Section 11715:

(1) Criteria set forth in paragraphs (1) to (4), inclusive, shall be given highest priority.

(2) Criteria set forth in paragraphs (5) to (7), inclusive, shall be given second priority.

~~(3) Criteria set forth in paragraphs 8 to 14, inclusive, shall be given third priority.~~

~~(b) The recommended scores shall be forwarded by the independent review panelists to the board to be considered as a basis for final selection of projects to be funded. In conjunction with the panel scores, the board~~

(b) The board shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill its program and mission. Final grant awards may be for the full amount of the grant requests or for a portion of the grant request.

(c) School districts, county offices of education, and community college districts shall be eligible for securing grant funds from the board.

(d) School districts, county offices of education, and community college districts are encouraged to collaborate and, if appropriate, contract with any of the following entities: nonprofit organizations described in Section 501(c)(3) of the Internal Revenue Code, colleges and universities, social service organizations, community organizations, other governmental agencies, or individuals for the purposes of accomplishing the goals of this chapter.

(e) Nothing in this chapter shall preclude consortia of the above entities with a local education agency as the lead applicant from applying for grant funds.

(f) The board shall establish all of the following categories for the grant program:

(1) Curriculum grants, for the purpose of making substantive progress in efforts to incorporate the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry as part of the American public education curricula from local education agencies. Curriculum grant projects may include, but shall not be limited to all of the following:

(A) Development, coordination, and distribution of new educational materials.

(B) Development of curriculum materials to complement and augment resources currently available on this subject matter.

(C) Strategic planning for adoption into state-mandated and local curricula.

1 (D) Embedding subject matter into current
2 educational priorities, including, but not limited to,
3 professional development, new technology, and
4 academic performance.

5 (E) Coordination with other multicultural curriculum
6 efforts.

7 (2) Library resources grants, for the purpose of adding
8 materials into K-12 schools and community college
9 libraries, including, but not limited to, the creation,
10 publication and distribution of bibliographies,
11 curriculum guides, oral histories or other resource
12 directories on issues related to the internment for K-12
13 schools and community college audiences.

14 (3) Educational technology grants, for the purpose of
15 developing websites, CD-ROM, or other technologies for
16 K-12 schools and community college audiences.

17 (4) Educational presentation grants, for the purpose of
18 developing, presenting, videos, plays, presentations,
19 speaker bureaus, and exhibitions for K-12 and community
20 college audiences.

21 (5) Day-of-Remembrance grants, for the purpose of
22 development and presentation of related
23 Day-of-Remembrance activities to K-12 schools and
24 community college audiences.

25 (6) Other, grants, for the purpose of undertaking
26 other programs and initiatives to implement the intent of
27 this chapter as deemed appropriate.

28 11721. (a) The board shall have an executive director
29 who shall be appointed by the board.

30 (b) The board may appoint and establish the pay of
31 additional staff as it may require subject to the laws
32 governing state civil service.

33 (c) The board may accept, use and dispose of gifts or
34 donations of services or property for purposes authorized
35 under this chapter.

36 11725. The sum of five million dollars (\$5,000,000) is
37 hereby annually appropriated from the General Fund to
38 the State Department of Education for the purpose of
39 contracting with the California Civil Liberties Public

1 Education Board beginning on January 1, 1999, for the
2 purposes of this chapter.

3 SEC. 2. Funds appropriated pursuant to this act shall
4 be applied in the year received toward the minimum
5 funding requirements for school districts and community
6 college districts imposed by Section 8 of Article XVI of the
7 California Constitution.

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